# Exhibit 1

IN THE UNITED STATES DISTRICT COUR WALTER A Y.H.

# FOR THE DISTRICT OF HAWAII

WAYNE BERRY,	) CIVIL NO. 01 00446 SPK LEK
Plaintiff,	)
vs.	)
FLEMING COMPANIES, INC., aka FLEMING FOODS, INC., aka FLEMING, DOE INDIVIDUALS 1-50 AND DOE PARTNERSHIPS, CORPORATIONS AND OTHER ENTITIES 1-20,	) SPECIAL VERDICT FORM ) ) ) ) ) )
Defendants.	

## SPECIAL VERDICT FORM

### FREIGHT CONTROL SYSTEM SOFTWARE A.

Has Plaintiff Wayne Berry proven by a preponderance of the evidence 1. that he is the owner of the copyright to the Freight Control software attached to Exhibit 221?

Yes_	X	No	
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If "YES" go to next question. If "NO", skip to section B.

2	Did Fleming Companies, Inc. evidence that it has a valid lice		
	software.	į.	\$ x
	Yes	No	
	If "YES" go to next question. If "NO" go to question 4.		
3.	Fleming made unauthorized cl		
	Yes	No	
	If "NO" skip to section B.		
	If "YES" go to next question.	¥.	
4.	Was the infringement of the Fi willful?	reight Control softwar	re copyright
	Yes	No	
	Go to the next question.		
<del>5.</del>	What amount of damages is Winfringement of Freight Control	-	o for the
	# 98,250.00		

### CRYSTAL REPORTS SOFTWARE B.

1.		as Plaintiff Wayne Berry proven by a preponderance of the evidence hat he is the owner of the copyright to the Crystal Reports software stached to Exhibit 222?	
	Yes	No	
	If "NO", skip to section C. If "YES" go to next question.		
2.		prove by a preponderance of the nse for the use of the Crystal Reports	
	Yes	No	
	If "YES" go to next question. If "NO" go to question 4.		
3.	Did Wayne Berry prove by a p Fleming made unauthorized ch	reponderance of the evidence that anges to the Crystal Reports software.	
	Yes	No	
	If "NO" skip to section C. If "YES" go to next question.		
4.	Was the infringement of the Ci willful?	ystal Reports software copyright	
	Yes	No	
	Go to the next question.		

C.

5.	What amount of damages is Winfringement of Crystal Repor	
FLE	MINGPO.EXE SOFTWARE	
1.	Has Plaintiff Wayne Berry prothat he is the owner of the copattached to Exhibit 223?	even by a preponderance of the evidence yright to the FlemingPO.exe software
	Yes	No
	If "YES" go to next question. If "NO", skip to the end.	
2.	Did Fleming Companies, Inc. evidence that it has a valid lice software.	prove by a preponderance of the ense for the use of the FlemingPO.exe
	Yes	No
	If "YES" go to next question. If "NO" go to question 4.	
3.	Did Wayne Berry prove by a p Fleming made unauthorized cl	oreponderance of the evidence that nanges to the FlemingPO.exe software.
	Yes	No X
	If "NO" skip to the end. If "YES" go to next question.	

4.	was the infringement of the FlemingPO.exe software copyright willful?
	Yes No
	Go to the next question.
5.	What amount of damages is Wayne Berry entitled to for the infringement of FlemingPO.exe software?
1.014	and date this Special Verdict Form.
Jury Forene	I Milia Carol Ho akimoto
75	ce atsa
Kny	2 Matthund
	Date Date
	3/6/03